

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

In re HAIN CELESTIAL HEAVY METALS
BABY FOOD LITIGATION

This Document Relates To: All Actions

Case No.: 2:21-CV-0678-JS-AYS

**NOTICE OF MOTION TO APPOINT MELISSA S. WEINER,
ANNICK M. PERSINGER, AND RACHEL SOFFIN AS INTERIM CLASS COUNSEL
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23(g)**

PLEASE TAKE NOTICE THAT, upon the accompanying memorandum of law and the exhibits thereto, and all papers previously submitted to the Court in the above-referenced cases, Plaintiff Matthew Hanson will move this Court before the Hon. Joanna Seybert, at the United States Courthouse located at 100 Federal Plaza, Central Islip, New York 11722 for an Order pursuant to Fed. R. Civ. P. 23(g) this Court's Order consolidating the above-referenced cases of May 13, 2021 (Doc. 47):

1. Appointing Melissa S. Weiner of Pearson, Simon & Warshaw, LLP, Annick M. Persinger of Tycko & Zavareei LLP, and Rachel Soffin of Milberg Coleman Bryson Phillips Grossman, PLLC as Interim Co-Lead Class Counsel;
2. Granting Interim Co-Lead Class Counsel the responsibility for coordinating the activities of the plaintiffs in the consolidated cases during pretrial proceedings, including:
 - a. To initiate, brief, and argue all motions or opposition briefs on behalf of Plaintiffs on all matters arising during pretrial proceedings, and to otherwise determine and present to the court and opposing parties the position of Plaintiffs on all matters arising during pretrial proceedings;

- b. To otherwise coordinate Plaintiffs' pretrial activities and plan for trial and to represent Plaintiffs at pretrial, scheduling, and status conferences;
 - c. To direct, coordinate, and conduct discovery on behalf of Plaintiffs;
 - d. To employ and consult with experts;
 - e. To conduct settlement negotiations with defense counsel, execute necessary settlement documentation, and present any formalized settlement to the Court on behalf of Plaintiffs;
 - f. To call and conduct meetings of Plaintiffs' counsel when appropriate;
 - g. To delegate work responsibilities to selected counsel in a manner to ensure the orderly and efficient prosecution of this litigation without duplication; and
 - h. To perform such other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities and/or authorized by further order of the Court; and
3. Granting such other and further relief as the Court deems just and proper.

Dated: May 27, 2021

Respectfully submitted,

/s/ Melissa S. Weiner

Melissa S. Weiner

PEARSON, SIMON & WARSHAW, LLP

800 LaSalle Avenue, Suite 2150

Minneapolis, Minnesota 55402

Telephone: (612) 389-0600

Facsimile: (612) 389-0610

mweiner@pswlaw.com

Annick M. Persinger (admitted *pro hac vice*)

TYCKO & ZAVAREEI LLP

10880 Wilshire Blvd., Suite 1101

Los Angeles, CA 90024

Telephone: (510) 250-3316

Facsimile: (202) 973-0950

apersinger@tzlegal.com

Jonathan K. Tycko
Hassan A. Zavareei (admitted *pro hac vice*)
Allison Parr (admitted *pro hac vice*)
TYCKO & ZAVAREEI LLP
1828 L Street NW, Suite 1000
Washington, D.C. 20036
Telephone: (202) 973-0900
Facsimile: (202) 973-0950
jtycko@tzlegal.com
hzavareei@tzlegal.com
aparr@tzlegal.com

Rachel Soffin (*pro hac vice* forthcoming)
**MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN, PLLC**
800 S. Gay Street, Suite 1100
Knoxville, TN 37929
T: 865-247-0080
F: 865-522-0049
rsoffin@milberg.com